

Road Maintenance Agreement

This Road Maintenance Agreement ("Agreement") is made and entered into effect September 1, 2008 by and between **Grand County, Utah**, 125 East Center Street, Moab, Utah 84532 ("County") and **U.S. Department of Energy**, 200 Grand Avenue, Grand Junction, Colorado 81515 ("DOE").

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Recitals

- A. DOE has applied for and received from the County a Conditional Use Permit for the construction and operation of a mill tailings disposal facility on federal property located approximately one mile northeast of I-70/US-191 intersection.
- B. In order to clarify maintenance of the County road, a written agreement whereby DOE provides certain road maintenance for a portion of the County road known as Crescent Wash road or CR-223, from the County road CR-175 (old 6&50) approximately 2000 feet north to the intersection of CR-223 and the DOE access road.
- C. Funding - Obligations of the Department of Energy (DOE) under this recitation shall be subject to the availability of funds appropriated by the Congress which the DOE may legally spend for such purposes and nothing in this recitation implies that Congress will appropriate funds to perform these responsibilities.
- D. Licenses - DOE shall obtain all necessary permits, licenses, and approvals in connection with the activities to be conducted by the DOE on the premises.

NOW, THEREFORE, for and in consideration of the premises set forth above, the parties hereto mutually covenant and agree as follows:

1. DOE shall maintain or improve existing road condition and provide dust control required as a result of project activities, on Crescent Wash road or CR-223 from County road CR-

175 north to the intersection of CR-223 and the DOE access road to office facilities.

2. DOE shall repair and/or replace any damage caused by project activities to the existing Crescent Wash road infrastructure, from the CR-175/CR-223 intersection north to the intersection with DOE access road.
3. DOE shall maintain the Crescent Wash road from the CR-175/CR-223 intersection north to the DOE access road as an all-weather, year round road.
4. DOE shall maintain DOE installed drainage culverts (5) and signage associated with the Crescent Wash road to DOE access road.
5. This agreement shall remain in effect for as long as the DOE disposal facility is operating under the Conditional Use Permit.
6. This agreement is a voluntary agreement between the parties and may be amended in writing by the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

“County”

GRAND COUNTY, UTAH

By: *Gene A. Cairns*

Title: *Chair, Grand County Council*

“DOE”

U.S. Department of Energy

By: *Donald R. Metzler*
Donald R. Metzler

Title: Moab Federal Project Director